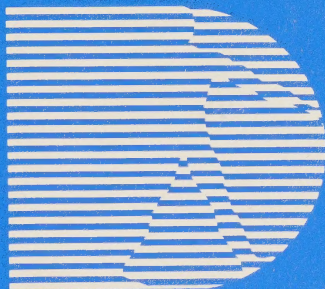


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The National Parole Board:



A Guide to Conditional Release



Government
of Canada

Gouvernement
du Canada

National
Parole Board

Commission nationale des
libérations conditionnelles



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Parole in Canada

The 1950s in Canada were characterized by the emergence of a number of new penological systems focussing on the provision of alternatives to imprisonment. Two of these systems, probation and parole, grew substantially during the early 1960s. The field of corrections became professionalized, drawing its staff from

The Board

Membership

On February 15, 1959, the Parole Act was proclaimed by Parliament, giving authority to grant conditional release to an independent National Parole Board with Members appointed by the Governor in Council (the Cabinet).

Full-time Board Members are appointed for a period of up to 10 years upon the recommendation of the Solicitor General. One of these Members is designated as Chairman and Chief Executive Officer, another as Vice-Chairman. All Members have experience encompassing criminology, psychology, social work, law, corrections, law enforcement, and journalism.

Organization

The Board is an agency within the Department of the Solicitor General and is completely independent in its decision-making role, except, of course, for the ultimate authority of Parliament.

graduates in criminology and social work, as well as from other related disciplines.

Community supervision took on added importance in the early 1970s with the addition of formal supervision, under set terms and conditions similar to parole, for those inmates released early as a result of earning remission or "time off for good behaviour" in prison.

Temporary Members may also be appointed to assist the Board in its duties.

As well, representatives from police forces, local governments, business and industry, professional associations, trade unions, or community associations are required, in certain cases, to assist in the Board's decision-making process. Known as Community Board Members, they are appointed by the Solicitor General to regional offices of the Board. They act as regular Board Members when release is being considered for inmates serving minimum life sentences or indeterminate sentences.

In addition to Board headquarters in Ottawa, there are five regional offices (see list on inside front cover) where cases are studied and the decisions made to grant or deny conditional

release to inmates who have served specified portions of their sentences. Headquarters Members are called upon to re-examine decisions appealed by inmates and to make recommendations to the Governor in Council concerning the granting of clemency.

Jurisdiction

The Board has the authority to grant, deny or revoke day parole and full parole or terminate day parole for inmates in both federal and provincial institutions except for cases under the jurisdiction of provincial parole boards. Although ultimately responsible for the granting of unescorted temporary absences, in some

Authority

Parole may be granted, according to the Parole Act, when:

- the requirement of the law or regulations as to the time that must be served before becoming eligible for parole has been met;
- the release of the inmate on parole would not constitute an undue risk to society;
- the reform and rehabilitation of the inmate will be aided by the grant of parole;
- in the case of full parole, the inmate has derived the maximum benefit from imprisonment.

The Correctional Service of Canada (Parole Service) is responsible for preparing reports on the cases that come before the Board and supervising those granted parole, or released on mandatory supervision, under terms defined by the Board.

instances the Board delegates its authority for the decisions to wardens or directors of institutions. The Board also has the authority to revoke mandatory supervision.

The Board has no jurisdiction over young persons within the meaning of the Young Offenders Act, or over anyone in custody who is serving a sentence intermittently.

Under the Act, the Board has authority to impose the conditions under which the parolee or offender under mandatory supervision will live in the community.

In addition, the Board has the responsibility, under the Criminal Records Act, to make recommendations to the Solicitor General concerning applications for pardon.

The Board is also required, when requested by the Solicitor General, to make enquiries in connection with the exercise of the Royal Prerogative of Mercy.

Philosophy of Conditional Release

The National Parole Board firmly believes that the purpose of conditional release is to allow offenders to serve part of their sentence in the community subject to terms and conditions that will best serve the interests of the community and the individual.

Provincial Parole Boards

At one time parole boards could be found only in Ontario and British Columbia. These boards had a limited jurisdiction being concerned solely with the paroling of inmates serving the indefinite portion of a definite/indefinite sentence. (This particular type of sentence was exclusive to Ontario and British Columbia.)

Since September 1978, it has been possible by law for any interested province to establish its own parole board, with jurisdiction over all

Types of Releases

1) Temporary Absence

A temporary absence (TA) from a penitentiary is usually the first release an inmate will be granted. It is an occasional release, one that carries no promise or implication of day parole or full parole. Temporary absences are given for medical or humanitarian reasons. They may be with or without escort. Escorted temporary absence means that the inmate, either by him or herself or as a member of a group, is accompanied by an escorting officer. Unescorted temporary absences are the responsibility of the

Conditional release is designed to ensure, as far as possible, the safety of the community as well as the welfare of the individual offender. These two considerations are inseparably linked because the safety of the community depends on the successful reintegration of the offender.

inmates serving a definite sentence in a provincial institution. To date, only Quebec has joined Ontario and British Columbia in establishing a parole board.

It occasionally happens, under a transfer agreement between the federal government and the provinces, that dangerous offenders or inmates serving life as a minimum sentence, or life as a commuted death sentence, are found in provincial institutions. The National Parole Board maintains its jurisdiction over these cases.

National Parole Board. In most cases of inmates serving sentences of less than five years, the Board delegates this authority to the warden of an institution who is also responsible for granting temporary absences with escort (although the Board's approval or recommendation, as the case may be, is required for inmates serving life sentences and in other special circumstances).

The frequency and duration of temporary absences vary. Usually, inmates from maximum

and medium security institutions may be granted temporary absences that do not exceed 48 hours per month; inmates from minimum security institutions may be granted 72 hours per month. In addition, temporary absences may be granted in the same month for medical or administrative reasons if the Board or institutional authorities consider they are justified or necessary.

Notes:

- *If an unescorted TA is for less than one day an inmate does not report to a supervisor*

2) Day Parole

The Board also grants day parole. This type of release is usually granted to an inmate whom the Board considers has the potential for full parole. For the duration of his/her day parole, the inmate usually must return every night to the institution, a community correctional centre or a community residential centre (half-way house). Day parole may be granted for a maximum of 12 months but is usually granted for periods of six months for one of the following reasons:

- to complete education or training, when the program is not available in the institution;

3) Full Parole

Full parole is the full-time conditional release of an inmate. When paroled, an individual is allowed to serve his/her sentence in the com-

unless specified otherwise by the granting authority.

- *On longer unescorted TAs an inmate reports to a parole officer or a member of an aftercare agency.*
- *Requests for TAs are usually submitted at least 12 weeks ahead of the proposed date for the TA to allow time for processing except in emergency situations such as a sudden illness in the family.*

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- to take part in forestry projects, harvesting, or a community service;
 - for re-acquaintance with the family.

Day parole helps minimize the shock and frustration of an abrupt release from the institution and provides an opportunity to develop adequate plans, seek a job or accommodation, or re-establish family ties. It also gives the Board an opportunity to see how well the inmate might do under more strict supervision than would apply with full parole, and under conditions which facilitate a quick return to custody if conduct deteriorates. If successfully completed, day parole usually leads to full parole.

munity until it ends, unless the conditions of release are not met or the Board has reason to believe that the parolee is returning to criminal

activity or has actually committed a new crime. In such circumstances, parole is suspended and may be revoked.

Notes:

- *If parole is revoked, according to law, the individual will be reconsidered automatically at some time within the two-year period following revocation if there are two years remaining on the sentence. If not, he/she must apply to be considered.*
- *An inmate's parole review date will be calculated differently if the release was revoked and if another term of imprisonment for a new offence was given. Questions about the new parole eligibility date should be sent to the Board.*
- *The time required to prepare and study a case is five to six months.*
- *If full parole is granted, the inmate will be released as soon as reasonably possible after the eligibility date. The parolee will be given a certificate listing the conditions of the release and will be asked to sign it to show that he/she understands the conditions and intends to abide by them (see also the section on "Supervision" in this booklet).*
- *While in the community a parolee will report regularly to a supervisor (usually a parole officer) and to the police. Parole will last until the*

sentence ends, including any periods of remission, except in the case of an individual, serving a life or preventive detention sentence, or a sentence of detention for an indeterminate period. This person will be on parole for the rest of his or her life.

- An inmate who indicates prior to the parole eligibility date the wish to go to a foreign country of which he or she is a citizen, or to one that will accept him or her, will be escorted to the port of embarkation to ensure departure. The normal criteria for release on parole also apply. In either case — deportation or voluntary departure — if the individual returns to Canada before the sentence ends, the parole will be suspended. The Board will then consider whether to revoke it and return the inmate to prison.
- If full parole is denied, the Board will either set another parole review date at some time within the next two years or review the case no later than two years after the denial if two years remain on the sentence. The inmate will be notified of this date.
- Although the setting of a review date means that it is not necessary for an inmate to apply, it would be helpful if the Board were told of his/her plans and how circumstances have changed since the last review. If an inmate does not want to be considered, the Board should be notified in writing.

Mandatory Supervision

Penitentiary inmates who are not released on parole are entitled by law to serve in the community, under supervision, the time accumulated by statutory or earned remission. Remission, commonly known as “time off for good behaviour”, can be as much as one third of an inmate’s sentence. The inmate is not required to accept release under mandatory supervision and may remain in the institution until the end of his/her sentence.

Parole Eligibility/Review Dates

To spend a part of his/her sentence in the community other than on mandatory supervision, an inmate must have served a portion of the sentence in a penitentiary. The amount of time to be served before being considered for various types of Board release is set by the Parole Act and Regulations or the Criminal Code. Even when the inmate has become eligible for a particular type of release, the Board has the discretion to grant or deny that release; it is never an automatic process.

Review dates for conditional release by the Board are based on the length and date of the sentence.

Violent Conduct Cases

According to the Parole Regulations, inmates sentenced for offences that involved violent conduct are not eligible for review for full parole

Contrary to parole, which is decided upon by the Board, release under mandatory supervision is a legal right. However, the Board sets the conditions of release and has the authority to revoke mandatory supervision, sending individuals back to prison to serve the remaining portion of their sentence if the conditions of the release are violated or about to be violated, or if a new crime has been committed.

A federal inmate serving a definite sentence other than life, usually must serve one third of the sentence or seven years, whichever comes first, before being considered for full parole. Review by the Parole Board is undertaken automatically once the specified date is reached, unless the inmate waives that right in writing. For those sentenced to definite terms of imprisonment, eligibility dates for day parole and unescorted temporary absence range from six months after sentencing to one half the time before the eligibility date for full parole. For more details, consult the table at the back of this booklet.

until they have served one half of their sentences or seven years, whichever is the lesser period. The Board considers that an offence has involved violent conduct if:

- the crime seriously endangered the life or safety of any person, or resulted in serious bodily harm or severe psychological damage to any person, and
- the sentence for the offence could have been

Provincial Inmates

An inmate serving a sentence for a federal offence of less than two years in a provincial institution may be paroled by the National Parole Board when the inmate is not under the

Habitual Criminals

Anyone serving a sentence of preventive detention for having been declared a habitual criminal must have his or her case reviewed by the Board once a year, as stated in the Criminal

Dangerous Sexual Offenders

The Board is also required to review, once a year, the cases of inmates sentenced before October 15, 1977, to an indeterminate term as

Dangerous Offenders

Since October 15, 1977, the courts can impose indeterminate sentences on those offenders who have been convicted of serious personal injury offences and have backgrounds of

ten years or more, and is actually five years or more;

- the offence is the second incident of that nature within ten years of the expiration of the term of imprisonment for the first offence.

jurisdiction of a provincial parole board. Normally full parole review comes after the inmate has served one third of the sentence; *however, the National Parole Board reviews the case only if it receives an application.*

Code. Yearly review ensures that those who are serving indeterminate sentences are not forgotten. (Since 1977, this category of offenders no longer exists.)

dangerous sexual offenders. On this date the old category of dangerous sexual offender was abolished and replaced with a new and broader category, the dangerous offender.

persistent aggressive or violent behaviour.

A dangerous offender becomes eligible for parole three years after being taken into custody; the case must be reviewed at that time and every two years thereafter.

Lifers

An offender sentenced to life as a maximum punishment for a crime other than murder must serve seven years before being considered for full parole. Review dates for inmates sentenced to life for murder vary considerably (see chart at the back of this booklet for details).

Since July 26, 1976, there have been two categories of murder: first and second degree. First degree murder covers all planned and deliberate murders and certain other murders (e.g. contracted murders, murder of a police officer, a prison employee or any other person authorized to work in a prison, when he/she is on duty). The mandatory period to be served before parole review is 25 years.

Persons who have committed second degree murder (i.e. any murder that is not first degree murder) can be reviewed for parole after serving between 10 and 25 years of their sentence. The time to be served before parole review is determined by the judge at the time of sentencing.

Parole by Exception

In exceptional circumstances, the Parole Regulations allow for the paroling of inmates (excluding certain categories such as dangerous offenders and murderers) before their parole eligibility date, namely:

(a) the inmate is terminally ill;

Anyone convicted of murder who must serve more than 15 years before parole eligibility may apply for a judicial review after 15 years.

In such a case, application must be made to the Chief Justice of the province or territory where the inmate was sentenced to have his/her parole eligibility revised to an earlier date.

The review of each case is made by a Superior Court judge and jury. The inmate's character, behaviour in prison and the nature of the offence are all considered. A two-thirds vote of the jury is required to reduce an individual's waiting period or to declare him/her immediately eligible. If the jury does not reduce the period of time, it might set a date for another appeal to the Chief Justice.

Being declared eligible for parole only means that the inmate can apply and would be considered by the Board. It is not a guarantee of parole.

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- (b) the inmate's physical or mental health is likely to suffer serious damage if he/she continues to be held in confinement; or
 - (c) there is a deportation order against the inmate under the Immigration Act and the inmate is to be detained under that Act until deported.

The Decision to Release

To grant or to refuse conditional release is a difficult and crucial decision. The interests of the inmate must be carefully balanced with those of the community.

Studying the Case

Before making a decision on the type of release, the Board studies the case in depth. For each inmate, there is a file containing information gathered from many sources. It consists of a number of reports and documents, the major ones being:

- the inmate's criminal record (known as the fingerprint statement or F.P.S.);
- a police report describing in detail the offence, the effect of the crime on the victim, and the role that the offender (and any accomplices) played;
- institutional reports written by social workers, correctional officers, shop instructors and staff;
- reports from the social agencies that have dealt with the inmate;

Sharing of Information

With the exception of certain information, the Board advises the individual prior to the hearing of the information in its possession that it considers relevant to its decision to grant or not to

A decision is only rendered by the Board after it has followed certain definite steps. Procedural safeguards, which are aimed at protecting both the inmate and the community, play an important role in this process.

- the parole officer's report assessing the reaction of the community to the inmate's return;
- the parole officer's report based on a detailed interview with the inmate and his/her assessment;
- an up-to-date police report with an opinion about the possible return of the inmate to the community;
- psychological profiles and assessments and any psychiatric reports;
- sometimes a statement from the judge who sentenced the inmate;
- letters from family members, friends, employers, victims, and others.

All this helps the Board build as complete a picture as possible of the community circumstances to which the inmate will be returning and to establish what strengths and weaknesses there are.

grant parole. The Board also warns the inmate that any information given to Board Members concerning criminal activities may be given to the police.

The Hearing

Once the investigation is completed, the Board begins its review. A hearing is held with the inmate being considered for full parole and may be held for those applying for unescorted temporary absence or day parole. The number of voting Members present will vary according to the length of the inmate's sentence. The hearing usually lasts 30 minutes, allows Board Members

The Decision to Release

The major factors that Board Members take into consideration when making a decision are:

- the criminal record, kinds of offences and their pattern, and length of crime-free periods between convictions;
- the nature and seriousness of the current offence;
- the inmate's understanding of his/her criminal behaviour and the concrete action he/she has taken to change;
- the inmate's accomplishments while incarcerated: training, participation in activities, grades obtained;

Voting

All Board Members have an equal vote, and for each type of sentence a minimum number of votes is needed to grant parole. The length of the sentence determines the number of votes required.

to ask questions of the inmate, and seek clarification about matters contained in the case file, previously studied by the Board Members involved. It also gives a dimension to the Board's evaluation that could never be achieved by file study.

The inmate can call on assistance in presenting his/her case for release, usually a relative or friend.

- the inmate's behaviour when granted a temporary absence release or day parole, if it applies;
 - previous parole violations;
 - the inmate's relationship with family and friends;
 - the release plan: where the individual will live, who will help, what the plans are for employment or training and how definite, and how the person feels these factors will keep him or her out of further trouble with the law;
 - the possible effects on the community if he or she were to commit another crime.
-

A simple majority of the required votes is needed to authorize any form of parole or conditional release.

Supervision

When the Board has decided to grant parole, the inmate must sign a document which lays out the conditions of release. The person may, in addition to the standard conditions, be given some specific conditions related to a particular behavioural pattern (for instance, not to frequent specified areas).

The Correctional Service of Canada (CSC) is responsible for supervising inmates released on parole by the Board and those who are released, by law, on mandatory supervision. The CSC's Parole Service either supervises inmates directly or provides supervision through private aftercare agencies such as the John Howard Society and the Elizabeth Fry Society.

In general, the standards of parole supervision are determined jointly by the Board and the CSC.

All parole boards in Canada agree on four *Fundamental Conditions of Parole*:

- to travel directly upon release to a specified destination and report immediately to the parole supervisor, and as instructed thereafter;
- to obtain authorization from the parole supervisor before leaving the area designated by the Board;
- to inform the parole supervisor immediately if arrested or questioned by the police;
- to obey the law and keep the peace.

In addition to these, the *standard National Parole Board conditions* of release are:

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- to endeavour to maintain steady employment and, unless otherwise instructed by the parole supervisor, to report at once any change of circumstances such as accident or illness;
 - to report to the police as specified in the conditions of release;
 - to obtain approval from the representative of the National Parole Board, through the CSC parole supervisor before:
 - (a) incurring debts by borrowing or instalment buying;
 - (b) owning or carrying firearms or other weapons;
 - to report, as soon as possible, any change of address to the parole supervisor.

The conditions apply to all parolees, day parolees and inmates released on mandatory supervision and are designed to ensure, among other things, that careful thought is given to assuming additional responsibilities. Violation of any of these conditions or of any special condition may result in suspension and perhaps revocation or cancellation of the release by the Board.

By imposing these conditions, the Board places certain restrictions on the freedom of the parolee or person under mandatory supervision. However, the change from the controlled environment of a prison to the relatively free one of the community is not always easy, and the conditions serve as a protection not only for society but also for the inmate. The parole supervisor is responsible for ensuring that the person abides by the conditions of the release.

Suspension and Revocation

In general, suspension of parole or mandatory supervision occurs because of a violation of the release conditions or because there are reasonable grounds to believe that a continuation of the release will entail a risk to the public.

When conditional release is suspended, the parolee or person on mandatory supervision is returned to custody and an investigation is commenced immediately. At any time during the next 14 days the suspension may be cancelled by a designated CSC representative if explanations by the inmate indicate that reasons for the suspension are not of continuing concern. After

Re-Examination of Decisions

If the Board denies day or full parole to an inmate or revokes release on mandatory supervision or parole, it must give its reasons in writing. The inmate may then request a re-examination of the decision within 30 days of the date of notification.

Although requests for re-examination are not limited to any specific grounds, the inmate usually applies if he or she feels that:

- there was significant information available at the time of the review which was not considered by the Board when it reached its decision;

that, the case is referred to the Board which may cancel the suspension or revoke the release. Usually, revocation is not ordered until the inmate has had a chance to make explanations to the Board. If the release is revoked, the person is returned to the penitentiary.

Eligibility for consideration of future release depends on the nature of the revocation, the nature of the new offence, if there is one, and the length of the new term. However when revocation is not accompanied by a new sentence, the next review date for full parole will normally occur any time in the next two years.

- there is new information which has a direct bearing on the case and which was not available at the time;
- there was an error made by the Board either in law or in fact;
- the reasons given by the Board do not support the decision.

Members who did not participate in the original decision will re-examine the case and may uphold, modify, reverse the decision or order a new hearing.

Summary

In deciding to release an inmate on parole, Board Members must judge the readiness of the individual to begin reintegrating the community and must also consider any risk to public safety. Since most prisoners eventually return to the community whether released by the Board or not, the problem is to decide what is the most opportune time to release an inmate — that point in time when the individual has gained maximum benefit from incarceration and is most likely to complete parole successfully.

The Board believes that in the long run the public is better protected when the inmate

undergoes a gradual release program and is supervised in the community, than when the person is abruptly released at the expiry of the sentence.

That is why more and more inmates are placed on carefully-planned day parole programs before they are granted full parole.

The Parole Board observes these inmates each step of the way and will grant full parole only after it is confident that the individual truly intends to become a law-abiding citizen.

Table of Eligibility Review Dates

Length of Sentence	Time to be Served Before Review		
	Temporary Absence	Day Parole	Full Parole
0 to 2 years less a day	N/A	½ time before PED(1)	⅓ of sentence
2 to 5 years	If entered penitentiary before March 1/78, 6 months after entrance; on or after March 1/78, 6 months after sentencing or ½ time before PED, whichever is longer	For 2 to 12 year sentences, 6 mos. or ½ time to PED whichever is longer (2)	⅓ of sentence or 7 years whichever is less except if violent conduct and a sentence of 5 or more years is involved, then it is: ½ of sentence or 7 years whichever is less (see Parole Act and Regulations)
5 to 10 years			
10 years or more excluding life sentences		For sentences of 12 years or more, 2 years before PED	
Life as a maximum punishment (for crimes other than 1st or 2nd degree murder)	If entered penitentiary before March 1/78, 6 months after entrance; on or after March 1/78, 3 years before PED	5 years	7 years
Preventive detention (as a habitual or dangerous sexual offender)	1 year	1 year	1 year
Detention for an indeterminate period (since Oct. 15/77 as a dangerous offender)	3 years	3 years	3 years
Life for murder before Jan. 4/68	3 years after entered penitentiary	3 years before PED	7 years
Life for murder Jan. 4/68 to Jan. 1/74			10 years
Life: death commuted before Jan. 1/74			

Length of Sentence	Time to be Served Before Review		
	Temporary Absence	Day Parole	Full Parole
Life for murder, Jan. 1/74 to July 26/76	3 years before PED	3 years before PED	10-20 years; Judicial Review possible at 15 years
Life: death commuted Jan. 1/74 July 26/76			
Life: death not commuted July 26/76			25 years; Judicial Review possible at 15 years
Life for 1st degree murder on or after July 26/76			
Life for 2nd degree murder on or after July 26/76			10/25 years; Judicial Review possible at 15 years

NOTE: 1) PED refers to full parole eligibility date. It is calculated from sentencing date except for lifers and those serving indeterminate sentences where it is calculated from date of arrest.

2) in most cases, because most federal inmates are serving terms ranging from 2 to 12 years, review for day parole will occur at 1/6th of the sentence.

3) In the case of life sentences, time spent while on bail or unlawfully at large does not count as time served prior to a parole eligibility review date.

